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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-163

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the analysis, the phrase “Statutes promulgated” should be replaced by the phrase “Statutory authority.”
- b. In item 1 of the analysis, quotation marks should precede the phrase “highest and best use analysis.”
- c. In s. RL 80.03 (1), “standard” is not capitalized. However, throughout ch. RL 80, “standard” is capitalized. For consistency, “standard,” when referring to Standards in the Uniform Standards of Professional Appraisal Practice, should not be capitalized anywhere in ch. RL 80.

- d. The appropriate method to alter s. RL 82.02 (3) in the rule order is as follows:

SECTION _____. RL 82.02 (2) (d) is created to read:

...

SECTION _____. RL 82.02 (3) (a), (b) and (c) are renumbered RL 82.02 (2) (a), (b) and (c).

SECTION _____. RL 82.02 (3) (d) is repealed.

e. In s. RL 83.01 (4), because the semicolon at the end of s. RL 83.01 (4) (b) is changed to a period, the semicolon at the end of par. (a) must also be changed to a period.

f. In s. RL 83.02 (2), the comma following “university” should be stricken through and “or” should be inserted after “~~technical college~~.”

g. In s. RL 83.02 (6) (intro.) and (b), the word “the” should be inserted before the word “applicant’s.”

h. In SECTION 31 in the second paragraph, the closing parenthesis should not be stricken through.

i. In SECTION 34 in the first paragraph, “SBC” should be “ASB.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. RL 80.03 (1), it may be clearer to add “as specified in appendix I.” Throughout current ch. RL 80, Appendix I is cited whenever the Uniform Standards of Professional Appraisal Practice are mentioned. Therefore, adding the cite to Appendix I would also create consistency throughout the chapter. This comment also applies to ss. RL 80.03 (3), (8b), (8c), (8d) and (9) and 83.02 (6) (b). In the alternative, in order to avoid unnecessary repetition, a definition of uniform standards of professional practice could be created with a reference to Appendix I. [See s. RL 80.03 (18).]

b. In s. RL 80.03 (8c), the Note is somewhat confusing because both the definition of “highest and best use” and the Note list criteria that highest and best use must meet. The criteria in the Note are repetitive of some of the criteria in the definition. Perhaps the criteria in the Note could be included in s. RL 80.03 (8c).

c. Section RL 80.03 (9) should be consistent with s. RL 80.03 (10) in specifying how much time constitutes an hour of appraisal experience. Does it mean a period consisting of not less than 60 minutes?

Also in that subsection, the reference to s. RL 80.03 (10) is confusing. It may be clearer to state that for teaching experience, one hour means a period consisting of not less than 50 minutes and delete the reference to sub. (10) [not s. RL 80.03 (10)].

d. In s. RL 82.01 (1), it appears that the examination on Wisconsin statutes and rules governing appraisers is a new requirement. If it is a new requirement, it would be helpful to include more information about the examination such as who provides or approves it.

e. In s. RL 82.02 (2) (d), it appears that the written instructions provided at the time of the examination relating to cheating would include the prohibitions against cheating listed in s. RL 82.02 (2) (a) to (c) and that sub. (2) (d) is, therefore, repetitive. Perhaps sub. (2) (d) could prohibit failing to comply with any additional written instructions relating to cheating.